



City Government Center
10 North Second Street, Suite 402
Harrisburg, PA 17101
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City of Harrisburg

Right-To-Know Response – Rape Kit Information GRANTED IN PART/DENIED IN PART

June 21, 2019

Via email to 51280-09057203@requests.muckrock.com

Vanessa Nason
MuckRock News
DEPT MR 72673
411A Highland Ave
Somerville, MA 02144-2516

Dear Vanessa:

Thank you for writing to the City of Harrisburg with your request for records pursuant to Pennsylvania's Right-To-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*

On May 1, 2019, you requested "Any and all statistics, data, reports, audits, policies, and procedures pertaining to the following items regarding sexual assault evidence collection (SAEC) kits (also known as "rape kits") and processing".

Your request is GRANTED IN PART and DENIED IN PART, as follows:

The first and second items of your request seeking 1) "all standard operating procedures regarding the SAEC process", 2) "any written policies or procedures regarding department practices on the acquisition of or handling of rape kit evidence, including protocols for its collection, testing, and delegation and transfer to all other possibly relevant locations, laboratories, or agencies" are GRANTED. The responsive records are enclosed.

The third and fourth items of your request seeking 3) "the number of kits collected and booked into evidence from the period of January 1, 2000 through the date this request is processed", 4) "the number of kits that have been processed by a public or private crime or forensic laboratory or equivalent processing location from the period of January 1, 2000 through the date this request is processed" are DENIED for the following reasons pursuant to 705 and 901 of the RTKL:

Based on a thorough examination of records in the possession, custody and control of the City of Harrisburg, the records you requested do not exist in the possession, custody and control of the City of Harrisburg.

By way of further response, the City does not track the number of kits that have been processed.

The fifth item seeking “the number of unprocessed kits in any storage facilities currently under the department’s jurisdiction and control, including those held by medical personnel or at external laboratory locations” is DENIED for the following reasons pursuant to 705 and 901 of the RTKL:

Based on a thorough examination of records in the possession, custody and control of the City of Harrisburg, the records you requested do not exist in the possession, custody and control of the City of Harrisburg.

As to the fifth item, the request is denied insofar as the City of Harrisburg does not produce a report with the responsive information. However, the “Untested Sexual Assault Kits and Backlogged Evidence” report in the E-Library Section of the PA Department of Health’s website contains the requested information and can be found at: <https://www.health.pa.gov/topics/Documents/Laboratories/2019%20Backlogged%20Rape%20Kit%20Report.pdf>

Further information may be obtained from Dauphin County, as it is the agency that retains the City of Harrisburg’s SAEC kits that have been collected but lack consent for testing.

The sixth through eighth items in your request seeking 6) “any materials regarding the status or ultimate disposition of cases in which a kit was collected”, 7) all audits involving this agency regarding the collection or backlog of SAEC kits”, and “all proposed alterations or yet-to-be-implemented changes to the policies and procedures regarding the collection, testing, and use of SAEC kits” are DENIED for the following reasons pursuant to 705 and 901 of the RTKL:

Based on a thorough examination of records in the possession, custody and control of the City of Harrisburg, the records you requested do not exist in the possession, custody and control of the City of Harrisburg.

You have a right to appeal this denial in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, <https://www.openrecords.pa.gov>. If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

This correspondence will serve to close this record with our office as permitted by law.

Respectfully,



Tammy Life
RTK Officer & Legal Assistant
*/tll
Encl.